

SENATE . . . No. 225.

Commonwealth of Massachusetts.

IN SENATE, April 29, 1865.

The Committee on Federal Relations, to which was referred the Orders directing an inquiry whether any legislation was necessary in reference to the boundary line between the States of Massachusetts and Rhode Island,

R E P O R T :

That a controversy concerning the boundary line between the two States, commenced early in their colonial history, and has been the subject of frequent legislative action until a recent period, the nature of which may be understood by consulting the legislative documents of this State from 1844 to 1851, inclusive. This controversy embraced the entire line from the State of Connecticut to the Atlantic Ocean. Massachusetts, asserting that an encroachment had been made on her territory from Burnt Swamp to the ocean, by Rhode Island, who on her part claimed that the jurisdictional line of Massachusetts, from said corner to the State of Connecticut, was in its whole extent upon the territory of Rhode Island. The legislatures of the respective States having failed, after repeated efforts, to adjust the controversy, the State of Rhode Island, in 1832, by a Bill in equity, brought the subject of her

northern boundary from Burnt Swamp Corner to Connecticut, before the supreme court of the United States, which, in 1843, decided that the jurisdictional line claimed by Massachusetts was the legal boundary of the two States between said points. A copy of this decision will be found in Senate Document No. 14 of the year 1848.

In 1844, commissioners were appointed by both States, to ascertain and establish the true boundary line between them, from Pawtucket Falls to Bullock's Neck. In 1845, the same commissioners were authorized to ascertain the line from Burnt Swamp Corner to the Atlantic Ocean. In 1846, they were authorized, "in conjunction with the commissioners on the part of Rhode Island, to erect suitable stone monuments, marked with the letters 'Mass.' engraved on one side, and 'R. I.' on the opposite side, at the prominent angles of the line from the Atlantic Ocean to the north-west corner of the State of Rhode Island, and at such other points of the line as may subserve public convenience." A majority of said commissioners, acting under the authority conferred upon them, agreed upon a line as the boundary between the two States, and erected the monuments agreeable to the Resolutions. The line so agreed upon as a boundary between Burnt Swamp Corner and the north-west corner of Rhode Island, was a straight line, varying a little from the jurisdictional line established by the court, and is thus described in the joint report of a majority of the commissioners, dated January 13, 1848: "Begin at the north-west corner of Rhode Island on Connecticut line, in latitude $42^{\circ} 00' 29''$ north, and longitude $74^{\circ} 48' 18''$ west of Greenwich, thence easterly in a straight line twenty-one $\frac{512}{1000}$ miles to Burnt Swamp Corner in Wrentham, being in latitude $42^{\circ} 01' 08''$, and longitude $71^{\circ} 23' 13''$." Upon this line was placed twenty-seven monuments, exclusive of that at Burnt Swamp Corner. One dwelling-house, reputed to have been in Massachusetts, was transferred to Rhode Island, and five reputed to have been in Rhode Island, were transferred to Massachusetts. This line constitutes the northern boundary of the towns of Burrillville, Smithfield and Cumberland, in Rhode Island, and the southern boundary of Douglas, Uxbridge, Blackstone, Bellingham and Wrentham, in Massachusetts. The other portions of the line, transferring some houses reputed to have

been in Massachusetts to Rhode Island, were described in the report which was made in pursuance of an agreement dated April 28, 1847.

The general assembly of Rhode Island in May, 1847, ratified and established this line from the ocean to the Connecticut line, "to take effect and become binding whenever the said agreement and boundary line should be ratified by the State of Massachusetts." (See Senate Document No. 14, 1848.) The legislature of Massachusetts did not ratify the said agreement and boundary line, but proposed another joint commission, which was agreed to. The attempt to settle the line by this commission having failed, Massachusetts commenced a Bill in equity to settle the line from Burnt Swamp Corner to the Atlantic Ocean. While this suit was pending in the supreme court of the United States, to wit, in 1861, the subject was settled by a compromise, and the parties agreed upon a line between the termini mentioned in the Bill, and a decree was entered in the supreme court conformable to the agreement. This line varied materially from the one agreed on by a majority of the commissioners in 1847, and made extensive changes of territory between the ocean and Burnt Swamp Corner, Rhode Island receiving the town of Pawtucket and a large portion of Seekonk, and Massachusetts obtaining the town of Fall River, in Rhode Island. This decree has been carried into effect, the line from Burnt Swamp Corner to the Atlantic Ocean has been surveyed, the monuments established, and the controversy is adjusted in a manner eminently favorable to Rhode Island.

The Committee infer that the parties engaged in the adjustment of the line from Burnt Swamp Corner to the ocean acted upon the idea that their agreement closed the controversy respecting the boundary between the two States, and that the line surveyed and agreed upon by the commissioners in 1847, between Burnt Swamp Corner and the north-west corner of Rhode Island, was to remain the southern boundary of Massachusetts. But in the legislation which followed the decree of the court, no mention is made of this line. A formal ratification of the doings of the commissioners in relation to it is therefore necessary, in order to define the rights of property, and of jurisdiction in the border towns. Presuming that the

legislature of Rhode Island will adopt the views above expressed, the Committee recommend the passage of the accompanying Resolution, a copy of which, together with a copy of this Report, the governor is requested to transmit to the governor of the State of Rhode Island, desiring him to lay the subject before the general assembly of that State, for its consideration.

TAPPAN WENTWORTH, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Five.

RESOLVE

To establish the Boundary Line between the States of Massachusetts and Rhode Island.

Resolved, That the boundary line between the State of Rhode Island and the Commonwealth of Massachusetts, from the line of the State of Connecticut to Burnt Swamp Corner, begins at the north-west corner of the State of Rhode Island, on the Connecticut line, in latitude $42^{\circ} 0' 29''$ north, and longitude $74^{\circ} 48' 18''$ west of Greenwich, and runs in a straight line twenty-one $\frac{512}{1000}$ miles to Burnt Swamp Corner in Wrentham, being in latitude $42^{\circ} 01' 08''$, and longitude $71^{\circ} 23' 13''$.

